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VIA FAX ONLY

April 2, 2012

Hon. Cheryl L. Pollak
U.S. District Court, EDNY
225 Cadman Plaza East
Brooklyn, NY 11201

Re: Zimmerman, et al. v. Poly Prep, CDS, et al.; 09-CV-4586 (FB) (CLP)

Dear Judge Pollak:

Since the Court is familiar with Plaintiffs' positions, unless Your Honor directs otherwise, I will not provide a further response to Mr. Kohn's April 2, 2012 letter.

I do want to advise the Court, however, of a change in my trial schedule. My multi-plaintiff flood case trial in the Rockland County Supreme Court has been moved from April 10, 2012 to June 5, 2012. As such, Plaintiffs' counsel will now be available in April and/or May for any oral argument directed by the Court on Plaintiffs' pending motions, or for any conference or hearing which Your Honor deems appropriate.

My co-counsel and I want to emphasize that Plaintiffs remain committed to the settlement process and greatly appreciate Your Honor's continued efforts to facilitate a resolution.

Sincerely,


KEVIN THOMAS MULHEARN

KTM/sar

cc: Hon. Frederic Block
Edward Flanders, Esq.
Kimberly L. Buffington, Esq.
Jeffrey I. Kohn, Esq.
Philip Touitou, Esq.
Harry Petchesky, Esq.